TRADITIONAL CONSTITUTION
OF THE
BEAVER TRIBE
Beaver, Alaska

COPY

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Bureau of Indian Affairs
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PREAMBLE

We, the Beaver Tribe, assert our freedom as a sovereign people in a historical relationship with the United State of America in creating this Tribal Constitution. We adopt this Constitution to exercise the Tribe's inherent sovereign authority and powers to promote the well-being and unity of this and succeeding generations, to affirm our faith in our fundamental Native rights and traditions, and to promote our social, cultural, educational, economic, and political progress. We adopt this Constitution under the inherent sovereign authority of our Tribe.

ARTICLE 1 - NAME

The name of this organization shall be the Beaver Tribe.

ARTICLE 2 - TERRITORY

The territorial jurisdiction of the Beaver Tribe shall extend to all lands and waters constituting the Indian country of the Beaver Tribe as defined by federal and tribal law. To the extent not inconsistent with federal law, such lands and waters shall include, but not limited to, all lands and waters owned by the Tribe, and, to all lands and waters customarily and traditionally governed by the Beaver people, including lands withdrawn for selection by the Kwit'chin Native Corporation for the Native Village of Beaver under the Alaska Native Claims Settlement Act 43 U.S.C. 1601 et. seq., and all lands

withdrawn for the federal townsite of Beaver as described in U.S. Survey 4895 and all fee lands and Native allotments within the traditional lands of Beaver, regardless of the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE 3 - MEMBERSHIP

Section 1. Base Membership Roll. The base membership of the Beaver Tribe shall consist of all Alaska Natives whose names appear on the base membership roll adopted by the Beaver Tribal Council at the passage of this Constitution, provided that the Council may correct the base membership roll within two years following the adoption of this Constitution.

Section 2. Descendants of Member. Lineal descendants of members on the base membership roll who are Alaska Native are eligible to be members of the Beaver Tribe subject to the provisions of this Constitution and to ordinances enacted pursuant to this Constitution.

Section 3. Adoption of Members. The Tribal Council shall have the option to adopt Alaska Natives who are not descendants of members listed on the base roll, under the provisions of an enrollment ordinance adopted in accordance with the provisions of this Article.

Section 4. Dual Enrollment. Dual enrollment is permitted. However, Beaver tribal members who are also enrolled with another tribe shall not receive distributions of tribal assets.

Section 5. Membership and Enrollment Ordinances. The Tribal Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and

appeal procedures, maintenance of membership roll, loss of membership, relinquishment of membership, and adoption of members.

ARTICLE 4 - GOVERNING BODY

Section 1. Name. The governing body of the Beaver Tribe shall be the Beaver Tribal Council, also referred to as the Council or Tribal Council in this Constitution. The Council shall represent the Tribe and shall exercise the powers of the Tribe cited in this Constitution, excepting those powers expressly reserved for the tribal membership by this constitution or by tribal ordinance.

Section 2. Composition. The Beaver Tribal Council shall consist of seven (7) members, who shall be elected by a majority vote of the qualified tribal voters casting their ballots in such an election. All seven Council members shall be entitled to vote except on matters involving a conflict of interest.

Section 3. Quorum. Four (4) Tribal Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council, unless a larger number is specifically required by this Constitution or by tribal ordinance.

Section 4. Officers. The Council shall include a First Chief, Second Chief and a Secretary/Treasurer as officers. Officers shall be determined annually by the tribal membership.

Section 5. Qualifications for Tribal Council. Tribal members who are 18 years of age or older and currently resides in Beaver are eligible to hold a position on the Tribal Council.

Section 6. Terms of Office. Tribal Council members shall hold two (2) year terms, provided that shorter terms may be used to begin or restore the staggering of terms.

Section 7. Conflict of Interest. No Council member shall vote on any matter, including but not limited to, employment contracts, project funding, project allocations, and appointments to tribal committees in which he or she has a personal interest. A personal interest includes involvement of his or her spouse, parents, children, or siblings. Council members present when such an issue is decided shall reveal such conflict of interests prior to any vote. .

ARTICLE 5 - DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall assume their respective office and duties immediately upon being elected.

Section 2. First Chief. The First Chief shall preside over meetings of the Council and of the Tribe. The First Chief shall provide general supervision for the affairs of the Tribal Council. The First Chief shall sign, with another Council member designated by a quorum of the Council, all contracts, leases, or other documents approved by a quorum of the Council. When the Council is not in session, he or she shall be the official representative of the Tribe.

Section 3. Second Chief. The Second Chief shall assist the First Chief when called upon to do so. In absence of the First Chief, the duties of the Second Chief shall be the same as those of the First Chief.

Section 4. Secretary/Treasurer. The Secretary/Treasurer shall take or delegate the taking of minutes at all meetings and elections. The Secretary/Treasurer shall issue or delegate the duty of issuing notice of all meetings and elections. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all tribal moneys, and keep accurate account of the receipts and disbursements, except when these duties are

otherwise delegated by the Council. The Secretary/Treasurer shall give a financial report as requested by the Council. Upon vacating his or her office, the Secretary/Treasurer shall turn over all the records and documents in his or her possession to his or her successor or to the Council.

ARTICLE 6 - MEETINGS

Section 1. Regular Meetings of the Tribal Council. Regular meetings of the Council shall be held monthly, the time, place, and date to be designated by the Council. Notice of the meetings shall be posted prior to meetings in public places in Beaver. All regular meetings shall be open to the tribal membership.

Section 2. Special Meetings. A quorum of the Council or the Chief may call a special meeting upon giving at least a twenty-four (24) hour notice to tribal members, posted in public places in Beaver.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without notice when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special, or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, tribal enrollment, and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings.

A. Tribal membership meetings may be called by the First Chief or by a quorum of the Tribal Council members.

B. A tribal membership meeting may also be held by assembling a quorum of 30% of the tribal members 18 years of age or older, and residing in Beaver.

C. Notice for any tribal membership meeting shall be posted in public places in Beaver prior to any such meetings.

ARTICLE 7 - REMOVAL, RECALL, FORFEITURE, VACANCIES

Section 1. Removal. Tribal Council members found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council. Five (5) Tribal Council members must vote in favor of the removal. A Council member subject to removal shall first be given ten (10) days notice in writing of the charges against him or her, and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. No member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this Section shall be resolved by the Tribal Council, and the decision of the Tribal Council shall be final.

Section 2. Recall. Any member(s) of the Tribal Council may be recalled by the qualified tribal voters through a petition and election process. A valid petition requesting a recall signed by at least thirty percent (30%) of the qualified tribal voters, shall be presented to the Tribal Council. The Tribal Council shall call a special election to consider the recall of the named Tribal Council member(s) within thirty (30) days upon receiving the petition, in accordance with Article 8, Section 4. If the majority of the tribal voters vote in favor of the recall, the official shall be removed. No official may be subjected to recall proceedings more than once in the course of his or her term. If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal

membership meeting to conduct the recall election according to the provisions of Article 6, Section 5.

Section 3. Forfeiture. Members of the Tribal Council who submit a written resignation or are convicted of a felony of moral turpitude while in office, or are absent from three consecutive monthly Council meetings without being excused by the Council shall automatically forfeit his or her office.

Section 4. Vacancies. Any vacancy in the Tribal Council including officer positions, shall be filled by appointment by the Tribal Council, or is lacking a quorum then by an election of the qualified tribal voters. A Tribal Council member appointed to fill a vacancy shall serve for the unexpired portion of the term of his or her predecessor.

ARTICLE 8 - ELECTIONS

Section 1. Tribal Voter Qualifications. Enrolled tribal members of the Beaver Tribe eighteen (18) years of age or older and residing in Beaver shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret ballot. The outcome of an election shall be determined by majority vote of the qualified tribal voters casting their ballots during the election, unless otherwise specified by this Constitution or by tribal ordinance.

Section 3. Tribal Council Elections. Elections for Tribal Council positions shall be held in Beaver. The Tribal Council shall set the date and shall give at least two (2) weeks notice of such elections. Notice shall be posted in public places in Beaver prior to such elections.

Section 4. Special Elections. The Council may, by resolution, call a special election for purpose of deciding a referendum, initiative, or recall, upon giving at least two (2) weeks notice to tribal members. Notice shall be posted in public places in Beaver prior to such elections.

Section 5. Election Ordinance. An election ordinance consistent with this Constitution, which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution, may be adopted by the Council.

ARTICLE 9 - POWERS OF THE BEAVER TRIBE

Section 1. General Powers. Except as specifically limited by this Constitution, the powers of the Tribe shall be exercised by the Council. The powers shall include all the inherent powers of a federally recognized tribe, which do not violate federal law, including but not limited to those specified in this Article.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact ordinances to govern its internal procedures and organization and to further define the duties of tribal officers.

Section 3. Tribal Council Powers. In addition to all powers vested in the Tribe or Tribal Council by existing law and this Constitution, the Tribe acting through the Council, shall have the following powers:

a. To consult, negotiate, contract, or conclude agreements with federal, state, local, and tribal governments on activities which may affect the Beaver Tribe.

b. To promote and protect the peace, health, education, and general welfare of the members of the Tribe, and to administer services that contribute to the social and economic development of the Tribe and its members.

c. To levy and collect taxes, fees, and assessments for tribal purposes.

d. To charter enterprises, corporations, and associations for the benefit of the Tribe.

e. To encourage, guard, and foster traditional cultural practices of the Beaver Tribe, including the arts, crafts, religion, language, and customs of the Beaver people.

f. To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Beaver Tribe.

g. Except as limited by Article 10 of this Constitution, to manage, sell, lease, exchange, acquire, or otherwise deal with tribal or other property.

h. To acquire property and accept gifts.

i. To administer tribal assets including funds and to manage all economic affairs and enterprises of the Tribe.

j. To engage in tribal economic development enterprises for the benefit of tribal members.

k. To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts and other judicial bodies.

l. To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.

m. To regulate inheritance among members whether by intestacy or otherwise.

n. To administer any funds within the control of the Tribe.

o. To regulate child custody and other domestic relations among members.

p. To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the Tribe, or within the area which its members rely upon for subsistence.

q. To regulate and control the use of natural resources within those areas under the jurisdiction of the Tribe, or which otherwise affect the health, safety, or economic well-being of the Tribe.

r. To employ legal counsel, the choice of counsel, and the fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative, so long as it is required by federal law.

s. To join and/or charter housing authorities.

t. To protect members' rights in personal property.

u. To zone, exercise the power of eminent domain, and otherwise regulate all land use within those areas under the jurisdiction of the Tribe.

v. To enact ordinances, procedures, and regulations necessary to give effect to any provisions of this Constitution, and to exercise any power not prohibited by federal law.

Section 4. Omissions. Any rights and powers vested in the Beaver Tribe but not expressly referred to in this Constitution, shall not be lost by reason of their omission, but may be exercised by the Council unless expressly prohibited by this Constitution.

ARTICLE 10 - POWERS RESERVED TO MEMBERSHIP

Section 1. Tribal Lands. The following powers are specifically reserved to the qualified tribal voters of the Beaver Tribe acting through a tribal membership meeting or a properly called election:

(a) No lands or interests in lands owned by the Tribe may be sold, leased, encumbered, or disposed of without the favorable vote of at least the majority of the qualified tribal voters, provided that a vote of the tribal membership is not required to establish a tribal land assignment program.

(b) Nothing in this Article shall prohibit the Tribal Council from establishing and administering a tribal land assignment program as established by ordinance.

ARTICLE 11 - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified tribal voters of the Tribe shall have the right to propose and repeal ordinances and resolutions not inconsistent with this Constitution through a valid petition signed by at least thirty percent (30%) of the qualified tribal voters. The petitions shall be submitted to the Tribal Council. The Council shall call an election no later than thirty (30) days after receipt of the petition. If the Council fails to act on the petition, the ordinance, or resolution may be brought before a tribal

membership meeting. An affirmative vote by a majority of qualified tribal voters, at a tribal membership meeting, where a quorum has been established, shall be required to adopt or repeal such ordinances or resolutions.

Section 2. Referendum. The Council by an affirmative vote of at least four (4) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted within thirty (30) days of such Council decision. An affirmative vote by a majority of the qualified tribal voters at the tribal membership meeting where a quorum is established shall be required to determine the Tribe's position on the issue submitted to a vote, or, a poll with prior notification may be held.

Section 3. Initiative and Referendum Decisions. The decision of the tribal voters in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the tribal voters, or expires by its own terms.

ARTICLE 12 - RIGHTS OF MEMBERS

Section 1. Access to Tribal Records. Tribal members shall have the right to review all tribal records, including financial records, at any reasonable time, in accordance with procedures established by the Tribal Council except in child welfare cases, tribal enrollment, litigation, personnel, and other issues made confidential by tribal ordinances.

Section 2. Open Tribal Council Meetings. Tribal members have the right to be present at all Council meetings, except during executive session of the Council.

Section 3. Indian Civil Rights. The tribal government shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the tribal government shall:

(1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the tribal government.

(2) Not allow unreasonable search and seizure or issue search warrants without probable cause.

(3) Not try anyone for the same offense twice.

(4) Not make any person testify against himself in a criminal matter.

(5) Not take private property for public use without paying the owner the fair market value.

(6) Not deny a person the right to a speedy public trial. A speedy public trial is generally assumed to be a trial within ninety (90) days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor, and be allowed a lawyer at his own expense.

(7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal courts cannot impose a penalty greater than $5,000 or one (1) year in jail, or both for an offense.

(8) Give all persons equal protection under tribal laws.

(9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not pass an ordinance or change penalties, after an incident (Ex Post Facto).

(10) Provide anyone accused of an offense punishable by jail time, the right to a trial by jury of no less than six (6) persons.

ARTICLE 13 - SOVEREIGN IMMUNITY OF THE BEAVER TRIBE

Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Beaver Tribe, which may only be waived by express resolution of the Beaver Tribal Council after receiving an affirmative vote of the majority of the qualified tribal voters, and only to the extent specified in such resolution and permitted by this Constitution and federal law, provided: However, the Tribal Council shall have the authority to waive the sovereign immunity of the Beaver Tribe solely for the purposes of satisfying the conditions or requirements of federal or state grants or contracts. Waivers of sovereign immunity shall not be general, but must be specific and limited to duration, grantee, transaction, property, or funds of the Tribe subject to the waiver, as well as specific to the court having jurisdiction and applicable law.

A waiver of sovereign immunity of the Tribe shall not be deemed a general consent of the levy of any judgment, lien, or attachment upon property of the Tribe, other than property specifically pledged, assigned, or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE 14 - AMENDMENTS

This Constitution may be amended by a majority vote of the qualified tribal voters of the Beaver Tribe voting in an election, provided that at least thirty percent (30%) of those entitled to vote, shall vote in such an election.

ARTICLE 15 - SAVINGS AND SEVERABILITY

Section 1. Savings. Unless inconsistent with this Constitution, all tribal legislation enacted prior to the adoption of this Constitution shall remain in effect.

Section 2. Severability. If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ADOPTION

This Constitution, when adopted by a majority vote of the qualified tribal voters of the Beaver Tribe, voting in an election, in which at least thirty percent (30%) of those entitled to vote did vote, shall be effective.

CERTIFICATE OF ELECTION RESULTS

This Constitution was submitted to the qualified tribal voters of the Beaver Tribe on April 20, 1995, and was duly adopted rejected in an election, in which at least thirty percent (30%) of the qualified tribal voters entitled to vote cast their ballots. The final election results show 22 for and Ø against with Ø ballots found spoiled or mutilated in the election.

Arlene Pitka
First Chief

Craig J. Edwards
Second Chief

[illegible]
Secretary/Treasurer

Anna N. Joseph
Member

William T. [illegible]
Member

April 20, 1995
Date